D.B. CIVIL SPECIAL APPEAL (W) NO. 337/2000

DATE OF ORDER : 07/10/2004

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. GOVIND MATHUR,J.

Mr. M.S. Singhvi, for the appellant.
Mr. B.L. Bhati, Addl. Govt. Advocate.

The S.B. Civil Writ Petition No. 583/2000 was directed against an order passed by the Rajasthan Civil Services Appellate Tribunal on 13.3.99 in an appeal moved by the respondent No.11 directed to hold a review DPC for considering the case of the persons promoted to the post de novo by considering the cases of the persons already selected. The said direction issued by the Tribunal was challenged by the present appellant.

The writ petition has been dismissed by the learned Single Judge as pre- mature observing that if ultimately on of the review petition the petition is sought to be reverted then only the cause of action shall arise. We are unable to apprehend that on challenge being made by a person a closed transaction has been reopened by directing holding of Review DPC how the petition can be dismissed on the ground of pre-mature when the close transactions have been reopened.

Therefore, we are of the opinion that the judgment under appeal cannot be sustained and is hereby set aside. We are informed that like petitions raising the same issue are pending before the Single Bench. We therefore, direct that this case may also be placed for hearing alongwith S.B. Civil Writ Petition No.3176/99 and other connected matters.

The appeal is, accordingly, allowed.

(GOVIND MATHUR),J. **(RAJESH BALIA),J.**

J/G